

Remarks

Applicant respectfully requests further examination and reconsideration in view of the above amendment and the arguments set forth fully below. There is no new matter contained in the claims as amended.

Rejections Under 35 U.S.C. § 103(a)

Claims 1, 3-4, 6-9, 19, 24-27 were rejected under 35 U.S.C. § 103(a) as being anticipated by United States Patent No. 5,992,617 to Couch et al (Hereinafter “Couch”). Applicants respectfully traverse this rejection because Couch would not have made it obvious to one skilled in the art at the time of the invention, to make a cosmetic brush with all the claim limitations present in the disclosed invention as currently amended.

One basic criteria to establish a prima facie case of obviousness is that the prior art reference must teach or suggest all the claim limitations of the present invention. Here, the Applicant points out that Couch does not disclose the limitations present in claims 1 and 19. Specifically, Couch does not disclose an endcap structure for preventing the bristles of the cosmetic brush from making significant contact with an inner surface of the enclosure.

Claims 1 and 19 both contain the limitation that the apparatus comprise a resilient plug “configured such that when the handle portion of the cosmetic brush is inserted into the aperture and the resilient plug is inserted into the at least one opening, the force on the diameter of the at least one ridge forces the aperture in the resilient plug to compress around the handle portion of the cosmetic brush such that the cosmetic brush straightens within the enclosure, thus preventing the bristles from making significant contact with an inner surface of the enclosure.”

This limitation helps achieve an important object of the present invention, which is to keep the bristles contaminant free to avoid the spread of bacteria. By keeping the bristles from making significant contact with the inside surface of the enclosure, bacteria on the surface do not attach to the bristles.

On the contrary, Couch contains no structure to accomplish this or similar goals. In fact, a person having ordinary skill in the art would find no motivation to accomplish the goal of keeping the paint brush of Couch free from bacteria because it is not particularly important to prevent bacteria from attaching itself to a paint brush. Therefore, Couch does not explicitly disclose all of the limitations present in the Applicant's claimed invention, nor is there a motivation to include certain novel features of the Applicant's invention in Couch's "Painting Implement Keeper". As such, the Applicant respectfully argues that claims 1, 3-4, 6-9, 19 and 24-27 are not made obvious by the teachings of Couch and therefore are allowable over Couch.

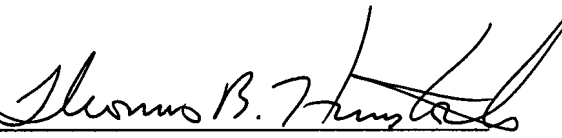
Conclusion

Claims 2, 5, 10-18, 20-23, 28-45 and 50 have been cancelled. Claims 1, 9, 19 and 27 are currently being amended. Therefore, claims 1, 3-4, 6-9, 19, 24-27 and 46-49 are pending.

For the reasons given above, applicants respectfully submit that the claims, as amended, are now in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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Dated: 10-16-07

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